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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/684,009	10/10/2003	Daniel J. Damon	MPW 3H4	3234

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EXAMINER	
YEAGLEY, DANIEL S	
ART UNIT	**PAPER NUMBER**
3611	

DATE MAILED: 03/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	**Application No.** 10/684,009	**Applicant(s)** DAMON, DANIEL J.	
	Examiner Daniel Yeagley	**Art Unit** 3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _18 January 2006_.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-34_ is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-34_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. 1 – 6, 9 – 11, 14 – 19, 21 – 25 and 28 – 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Douglas et al '448 (i.e.; Walter 2,660,448 cited in the PTO 892 filed 2/22/05).

Douglas shows a children's ride-on vehicle having a plurality of wheels with at least one steerable wheel 17 mounted on a body 18 (figure 1) and includes a steering assembly having a steering mechanism 19 coupled to a steering column 16 and a linkage mechanism 15 which are coupled to the body and configured to steer the steerable wheel by interfacing with an operator steering the vehicle, such that the linkage mechanism couples movement of the steering column to a change in orientation of the steerable wheel, wherein the steering column 16 includes a proximal portion 50 with a shoulder (portion of the steering column that extends transversely from the proximal portion 50 between numerals 66 and 65 which further includes a bend distal to the shoulder which defines a distal segment (portion just past numeral 65; that extends at least substantially parallel to the proximal portion of the steering column; as shown in figure 3), wherein the shoulder is received by a receiver structure (opening in spanning member 15), wherein the spanning member extends perpendicular to the proximal portion of the steering column and couples to a plurality of steerable wheels 17, such that the spanning member includes opposing flanking regions and is configured so that steering column is received from a first direction by the receiver structure that includes a first flanking region generally upward from the spanning member, and further includes a retainer mechanism that comprises a retainer element 67 with a surface disposed in the first flanking region which restricts movement of the steering column in a second direction, such that the retainer mechanism is configured to engage the steering column if the steering column is urged generally opposite to the first direction, wherein the retainer mechanism moves with the receiver structure and relative to the body during coupled motion of the steering column and linkage mechanism as now claimed, and wherein the spanning member includes the retainer mechanism that further comprises a flange at the collar below numeral 66 (figure 30 and includes a pair of retainer elements (tabs "nibs 66" which engage a corresponding slot "keyway") which are configured to be assembled manually without the use of tools by placing the tabs in the slot and urge the retainer elements together and are assembled around the spanning member in a translational configuration which produce a visual indication that the retainer elements are assembled properly, and wherein the distal segment extending from the shoulder is exposed when the retainer mechanism is assembled and is received by the receiver structure via the shoulder and wherein the plurality of retainer elements further includes a cap (collar and flange for pin 67) that is manually coupled to the spanning member over the shoulder to restrict movement of the steering column in a second direction which includes the plurality of tabs and slots.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 8, 12, 13, 20, 26 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Douglas et al '448 in view of Kuchenbecker '357.

Douglas disclosed a ride-on vehicle having a retainer mechanism consisting of a plurality of retainer elements configured to receive the steering assembly, wherein the retainer mechanism comprises a tab and slot connection but failed to disclose a plastic retainer mechanism *adapted* to produce an audible indication that the retainer elements are snap-fitted together.

Kuchenbecker shows a steering assembly for a ride-on vehicle (figure 1), wherein a steering assembly is received in a receiver structure by a plastic retainer mechanism, wherein the retainer mechanism is constructed of a plurality of retainer elements 7 and 8 formed at least substantially of plastic (abstract) and configured to receive and retain the steering assembly which utilizes a plurality of tabs 16 having a flange 22 configured to be assembled together by urging the tabs into a plurality of slots (groove of element 7) which restricts removal of the tabs from the slot and provides an audible indication the retainer elements are snapped together properly as broadly claimed.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the retainer elements of Douglas retainer mechanism with an alternative retaining means; such like the one suggested by Kuchenbecker plastic retaining means to alternatively couple the retainer elements of Douglas steering assembly together utilizing a quick assembly snap fit retaining means; as taught by the snap-fitted retaining means of Kuchenbecker in order to simplify and provide a quicker easier connection means for retaining the retainer elements together in place of the top and bottom pins and cap style collars of Douglas assembly simply to enhance the assembly of the retaining means using plastic snap fitted parts which are old and well known in the art to one of ordinary skill to be a quicker and more convenient means of assembling parts to reduce assembly time and parts.

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Douglas et al '448 in view of Huntsberger et al '967.

Douglas disclosed a ride-on vehicle but failed to disclose a motorized drive assembly coupled to one or more of the plurality of wheels *adapted* to propel the vehicle.

Huntsberger discloses a ride–on vehicle which incorporates a motorized drive assembly (abstract) which is coupled to one or more of the plurality of wheels adapted to propel the vehicle as claimed.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the vehicle of Douglas with an added propulsion means such as a motor drive assembly as suggested by Huntsberger in order to enhance the usage of the vehicle by adding a motorized drive assembly to more easily propel the vehicle as is well known and old in the art for propelling a ride-on vehicle as taught by Huntsberger.

Response to Arguments

6. Applicant's arguments filed 1/18/06 with respect to claims 1 - 34 have been fully considered but are moot in view of the new ground(s) of rejection as now claimed. Douglas more clearly discloses the steering assembly and retainer mechanism as now claimed. Douglas clearly

shows a retainer mechanism engaged with a steering column, wherein the retainer mechanism moves with the receiver structure and relative to the body during coupled motion of the steering column and linkage mechanism as now claimed. Although Douglas clearly discloses a children's ride-on vehicle, applicant's arguments pertaining to the recitation of a children's ride-on vehicle has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Yeagley whose telephone number is (571)-272-6655. The examiner can normally be reached on Mon. - Fri; first Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley D. Morris can be reached on (571) - 272 - 6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

D.Y.

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